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THE SEMITIC CITY OF REFUGE.

AMONG the most interesting and important factors in the social development of primitive civilizations must be accounted the right of asylum. Its precise influence is yet to be determined. Data now accessible suggest that it may have been a factor in the earlier stages of all races, yet may have varied greatly in its actual contributions to progress. Its working theory seems originally to have been that the spirits of a given locality must not be disturbed. There was no real conception of the rights of the human individual, no abstract ideal of liberty for man. Connected especially with taboos and superstitions concerning blood, the right of asylum primarily declares that no blood must be shed within a certain tract, lest the local genius be enraged: hence animals as well as men are protected. Any one who preferred to risk giving minor offense to the deity of the place, rather than trust to the mercy of the enemy, would quickly discover the possibility of asylum. But as unexpected deliverances from peril impress men as profoundly as unexpected disasters like the deluge, the fall of Sodom, or of the kingdom of Israel, or the making of the pitch-lake of Trinidad, we must admit that here and there places have become noted sanctuaries after such deliverance, just as suddenly destroyed places are in consequence of such destruction deemed accursed. Yet we may not assume that this order of events has been at all general in the development of sanctuaries; we must remember that the sacred spot is sometimes first marked by the occurrence there of some disaster, as the abode of a spirit who must not be disturbed. Some rough outlines of subsequent development, however, may be recognized upon collating data now accessible.

Spencer and Gillen report such sacred spots in *The Native Tribes of Central Australia*, pp. 134 ff. No plant may be plucked therefrom, no life may be taken. The animal fleeing from the hunter is safe when it reaches the sacred tract. Chalmers and Gill report similar sacred spots in New Guinea (see *Work and Adventure in New Guinea*, 186 ff.); J. G. Kohl (in *Kitchi-Gami* II, p. 67) finds the institution familiar among the Ojibways in the territory of the Hudson's Bay Company. He knew of individuals who dwelt within such tracts as fugitives from justice. Among all North American Indians burial places are regarded with peculiar reverence, but perhaps this is especially marked among Northwest Coast tribes. The burial places of chieftains are to be especially guarded from sacrilege. As a consequence, private individuals and medicine men sometimes claim to be *protégés* of the spirits of the dead. In some South African tribes and in the South Sea Islands, the burial places of chieftains are asyla. In Samoa a tree at the burial place of a chieftain famous as a dispenser of primitive justice is known as an asylum for the criminal; in this case there seems to be an appeal to the spirit of the chieftain for justice. In the Kingsmill Islands each chieftain has his sacred mark or device, usually of red paint. A stranger may claim the protection of the chief and wear the same mark. This almost leaves the sacred ground idea for that of the clan totem or badge. But the sacred mark here is not tribal, it seems. Among the Afghans, the tombs of ascetics and holy persons are looked upon as places of refuge for murderers, where they may remain till the avenger of blood passes by. In most of these instances, the connection with ancestor worship is to be noticed. Among the Tshi-speaking peoples of West Africa the deity Brahfo has a sacred tract within which antelopes may not be killed. Réville tells of convents whose lands are enclosures for sacred animals, though the monks hunt and eat such animals if outside the sacred tract (*La Religion Chinoise*, p. 554). The Buddhist convent is an asylum, even for political refugees. In 1824 the Siamese heir-apparent took refuge in one from a usurper, remaining there twenty-seven years. Ancient Chinese family tombs because inviolable, are sometimes made the haunt of robbers.

In the above cases, we have relatively primitive usages. No social groups are apparent as a development of the usage. On the surface, the sanctuary would seem to be equally accessible to all. Perhaps in some of these cases the sacred tract is too small to support large numbers of people: especially if they are still in the hunting and fishing stage. Or, women may not have the right of asylum: hence a community could not easily arise. Our real interest lies in the further development.

Father A. Boscana reports that sanctuaries existed among the Indians of California. These were peculiar in that the criminal who once entered such a place was thereby purged from his guilt. He was free thenceforth to go whither he would. None might harm him. We might venture the opinion that the limited area of the sacred spot of a hunting tribe produced this modification: a hunter confined to a few acres would certainly starve. It suggests also how a sacred spot can foster the growth of a sacred class. The southern Indians being agricultural, the sacred spots become important communities. J. Adair and H. Schoolcraft report the institutions of the Creeks and Cherokees. The Creeks had "white towns" in which no violence could be done, and "red towns" or "war towns." But these do not involve clearly defined social classes. In Borneo we find further development. S. W. Tromp, in his studies of the Dutch East Indies tells us that refugee criminals colonize the sacred tracts, intermarry, remain as outcasts from all the clans, and become the agents or servants of the local sultan, a terror and a curse to the whole country. The descendants of such outcasts are themselves outcasts. Here women as well as men are clearly included in the refugee criminal classes. In Hindostan we find the same stage. The Khatties of Guzerat worship the sun, and consider themselves bound to extend the protection of the sun to every one who comes as a suppliant, so that outlaws and desperate men of every description find an asylum among them. The Kholies of Guzerat seem to have been similarly privileged outlaws, till they became intolerable to their Mussulman neighbors and were dispersed. In the Hindu Kush the Siah Posh Kafirs perpetuate a race of murderers by such sacred villages, whose lawless inhabitants

have become a scourge to the neighborhood. Joseph Wolff mentions a curious tradition of their Hebrew origin. Mary H. Kingsley (*Travels in West Africa*, p. 466 ff), reports similar sanctuary cities in the French Congo and Calabar. The refugees are not the *élite* of the land, and the simple stranger who falls among them quickly acquires unpleasantly vivid impressions of their free and easy manners. One would conclude, from such data, that gross abuse of sanctuary is a great town-builder. James Seabee reports that in olden Madagascar there were twelve great sacred towns whose protection was desirable. They were famous as the former seats of great chieftains. There also existed a "free" or privileged class, who were in reality slaves of the government. Perhaps their origin was like that of the Borneo knaves mentioned by Tromp. Both peoples are Malayan.

A. B. Ellis reports of *The Ewe-speaking Tribes of the Slave Coast of West Africa* (p. 220) that "any slave who takes refuge in a temple and dedicates himself to the service of the god cannot be reclaimed by his owner, but by paying a fee to the priests the owner can close the doors of all the temples in the neighborhood to his fugitive slaves." This case is interesting as illustrating a different trend in the development of the right of asylum. We have here, not a criminal taking advantage of the reverence for a sacred tract, but a man securing certain advantages by formal dedication to the service of a god. The particular class-development familiar in Mediæval Europe as "benefit of clergy" is apparent here. Also, we see a stage in which the effort is made to deprive certain classes of earlier rights, and the effort of priestly temple-guardians to black-mail wealthy neighbors. Perhaps a development of such sanctuary for the fugitive slave is the law among the Apingi and other West African tribes that any slave who can escape to the next village can attach himself to a new master there and be exempt from all claims of his former master. Yet this law may mean only the refusal of a captor to surrender a runaway slave. Asylum for man-slaughter does not exist in these tribes.

These data are from communities still existing, or but recently extinct. As they represent tendencies in different surviving stages

of social development, we are in a position to determine more accurately the meaning of ancient institutions. We know of the right of asylum in classical literature. Roman historians have asserted that Rome originated as such an asylum (Dionysius of Halicarnassus, *Antiq. Rom.* I, 15; Livy I, 8; Strabo V, 230; Plutarch, *Romulus* IX). Modern criticism has treated this statement too cavalierly, not considering the anthropological data bearing upon the right of asylum. Exploration, showing that the city is far older than the traditional epoch of Romulus, has not disproven the statement in question. Such right of asylum may have existed many centuries earlier, have been abolished and have been restored by Romulus. We shall presently consider evidence that such things actually occurred in other lands. We know that a right of asylum did exist at Rome in connection with the law of blood revenge. The latter was early abolished, and the right of asylum reserved for slaves, to offset in some measure their legal disabilities. Akin to this sanctity of a given spot was the power of the Vestal Virgin to save a condemned criminal. The same power is possessed by the Buddhist monk of Burmah to-day; but the rescued man must thereafter lead the monastic life.

The right of asylum was familiar in Greece also. Debtors, fugitive slaves, victims of unjust persecutions and violence, criminals of various types, sought refuge in such places. Even a traitor, judging from the story of Pausanias the Spartan, could avail himself of it. While the use of this right was more extensive than in Italy, important sacred communities did not spring up in either place, apparently because the sacred tracts early dwindled to the bare precincts of the temples. Elis claimed continuous peace, and the inviolability of her territory; but this was not regarded, save during the period of the Olympian festival, when the molestation of strangers within her borders was punished by fines. Yet such a legend as that of the origin of the Spartans may point to seizure of some ancient sanctuary by invading outlaws. If so, it would suggest Sparta as a quondam sacred community, such as Rome was asserted to be.

All the abuses and developments noticeable in modern com-

munities were known in ancient lands. Legal regulations and restrictions followed. Tacitus tells of them in his *Annals*, III, 60-64, IV, 14. The chief abuses considered are in connection with Oriental sacred cities, those of the West being at the time relatively unimportant. Let us say that the Roman government was applying to the East restrictions whose necessity had been realized centuries before in the West. Some of the most important Hellenistic cities of Palestine possessed the right of sanctuary, and some (e. g. Scythopolis) were on the site of older Jewish sanctuaries. But the Jewish city of refuge should be considered in connection with the other data from the Semitic field. We should inquire if the Semitic institutions appear unique, unrelated to those of the rest of the world, and if the Jewish institution is unique among the Semites.

The suggestion that whatever be the origin of a sanctuary, the development there of a sacred community will depend in part upon the ability of a community to gain a livelihood within the sacred tract, finds ample illustration among the Semites. We know that Arabian physiographic conditions caused small fertile tracts to be highly prized as peculiarly favored by some divinity. Any land flowing with milk and honey was necessarily a holy land. Other things being equal, the most fertile spot in the world would be the most sacred, a garden of Eden. Large sacred tracts would survive in the East as they could not in Italy or Greece. Various political and social movements would produce a "natural selection," however, among all these ba'al-favored districts.

Now Semitic survivals still show many large sacred tracts, as compared with the bare temple precincts respected in Western heathendom and Christendom. Burton tells us of Medina that the *haram* or sacred land is an irregular circle, ten to twelve miles in diameter, with the town in the center. All sins are forbidden within this tract, but there are different schools of interpretation. Imam Malik allows no *latrinae* nearer than Jebel Ayr, about three miles from the town, and no slaying of wild animals. Some authorities even forbid the felling of trees, but others allow it, and it is general practice. All manslaughter, save of invaders, infidels, and sacrilegious persons, is forbidden. Drinking spirits and all sexual im-

morality are prohibited. There is a decided advance in theory, whatever be the practice, over the rude robber communities we have observed developing in other sacred tracts. The *haram* of Mekka Burton describes as extending for several hours journey on each side of the city. Legends make this sanctity of great antiquity, and exaggerated tales of it are told. Ravenous beasts and birds will not seize their prey within its limits, and big fish will not devour little ones. Abu Hanifah would not allow a murderer to be dragged out. The restrictions laid upon pilgrims during their pilgrimage illustrate the above mentioned advance in sacred theory. The name Mekka, signifying "concourse," probably originated in the meetings at the sanctuary: compare "the gathering of the tribes" of Israel. He who resides in Mekka by the Caaba is a *jâr Allah*, or protected guest of Allah. Perhaps the earliest inhabitants of the spot were refugees under the protection of a local god. We may compare the qualifications of the *gêr Yahveh* of the later Hebrew period, in Ps. xv. Robertson Smith in his *Religion of the Semites*, notices *gêrim* or sojourners under temple protection among the Phœnicians. In Lecture IV, the right of sanctuary among Syrians, Arabians, and Phœnicians is remarked. Renan thinks the ruins throughout the entire valley of the Adonis indicate that it was once sacred territory. Van Lennep says (*Bible Lands*, p. 693): "With Muslims the shrines or tombs of great saints, like that of Hosein at Kerbelah near Bagdad and of Fatima at Koom in Persia, afford an asylum which is rarely violated. Superstitious veneration indeed so guards these places that a refugee can be taken only by starving him out. In Abyssinia there are five churches whose precincts are legal places of refuge." Here we see sanctuaries originating in ancestor-worship. There is no extensive tract of land, as in the cases of sanctuaries arising from ba'alism. Bent, describing Adowa in *The Sacred City of the Ethiopians*, 162 f., says: "Taking sanctuary is done by going to the porch, ringing the bell, and declaring three times in a loud voice the intention of taking refuge." The refugee is dependent upon friends for food. Even treason can claim the privilege of asylum. The cases of Joab and Adonijah suggest the contrary custom in ancient Israel. Women cannot share the right

of asylum in Ethiopia. Self-perpetuating criminal colonies cannot arise. Moreover, the sanctuary privileges of the early Church are linked with ancestor or saint-worship, rather than with ba'alism. Curtiss, in *Primitive Semitic Religion To-day*, p. 161, says that the shrine of any local *weli* or saint throughout Syria is of such sanctity that it is frequently used as a storehouse for all kinds of articles, no man daring to molest another's property and all being under the protection of the saint. This practice will explain Tobiah's use of the temple in Neh. xiii. 4-9. This protective power sometimes extends over ten or fifteen miles of land. Here we have theoretical hagiolatry, which is only ba'alism revised to suit the exigencies of Mohammedan creed. Such would be the natural inference from the large size of the *haram*. Let us turn from institutions still in existence to those of the ancient Semitic world.

Very interesting material comes from Babylonia. As it has not been previously considered in this connection, it is best to give it in full, that the reader may judge the case for himself. Hugo Winckler, in *Alt-Orientalische Forschungen*, I, p. 496 ff., offers a translation of a very interesting fragment, K. 233. In one or two crucial passages he seems to have misunderstood it. The following translation offers some amendments. The final purport of the document is not affected by the differences.

"Complaint which the Babylonians spoke before the king: When the kings our lords took their seat upon the throne, they set their faces to preserve our right of asylum, and the contentment of our hearts. And we, whoever have filled our fields, whether women of Elam, of Tabal or Ahlami, (have said) for their safety, 'Let the kings our lords establish what they have spoken.' The gods have given you a broad understanding and a liberal spirit. Babylon is a binding together of the whole (or, every?) land: it is twenty lands in one. However many enter it, its right of asylum is maintained; and 'injure one, (injure) the house of Babylon' is its name, to establish its right of asylum. A dog that enters there may not be slain.

"The kings our lords know that Eteru and his sons seized the feet of (i. e. were loyal to) the king of Aššur your father, up to

the time that Suzub son of Gahal came and slew all those who seized the feet of Aššur [and fled?]. Those who kept the charge of the house of their lord Suzub [carried off?] and the hands and feet of Eteru and his sons together with....and brought (or sold?) them in the face of (before?, or in defiance of?) my lord, and those women whom [Sillâ] and Kuddinnu married in Babylon with them,that expulsion which?...of the whole house of Eteru....all brought to....and the foreign women....and the kings our lords from all lands....when they alter our right of asylum....[which was established by] former kings....and in the name of Babylon women who are [wedded] in Babylon have their right to protection with us maintained....

"May the good deeds which the kings our lords have done to us ascend on high. Under your shadow (i. e., protection), Bêl-ubalht....daily prays before Marduk and Sarpanit for the kings our lords."

Winckler rightly connects this protest with a remarkable passage in the Babylonian Chronicle, IV, 38, which records that on the twentieth of Tebet in the first year of Samašsumukin, Bel-eter was seized and slain in Babylon. It must have been sacrilege or a breach of peace of the most flagrant character to thus gain a place in the official records. But an important companion document Winckler has not noticed. This is a letter or brief of one Zakir, No. 702 in Harper's *Assyrian and Babylonian Letters*; 81-2-4, 77, in the British Museum. Like the preceding, it is much broken; but the two letters have little obscurity as to the general principles involved. A tentative translation is offered:

"The sons of Etêru of the Sealand concerning....which the king had placed in their care,....they received, spoke thus: 'The word of the king....to your fathers before: They gave—? in the presence of the king of Babylon and Ubaru thy servant, thus: Was not that promise of the king on this wise: Whoever suddenly [breaks into] thy city to wantonly (?) make war...to set at nought the ancient principle that in the peace of the city of Babylon [ye shall dwell?] the king will inform(?) his heart concerning you, [to redeem?]....in Babylon what is established, thus: if the city

be plundered [and he is captured?] I will hear, and I will establish his freedom.'

"Now that promise which [we heard] from the mouth of the king of lands our lord....those the king....let them put in our charge (?)....the Babylonians....and a consecrated house become heaps, the king shall redeem (them?) with money: [and fugitives?] as many as are brought from the land of Elam or the land of the Hittites he shall dedicate to Bel and Zarpanit. [And now] the dead whom the king brought to life have been sold for money: [and the] good word which the king (our) lord pledged us the hands of the king have not [performed; and Kuddinnu and] Sillâ, dwelling in Babylon he has allowed to be captured [and has not done?] as they caused to be told us. The kings (our) lords....knowing the word. As they will, so let them do. From Zakir."

Whatever obscurity is produced by the breaks, for a few of which I hazard a bracketed conjecture, certain facts stand forth clearly. This last letter mentions Ubaru as one in whose presence some pledge was given. We learn from S. 1028, Harper's [418], that Esarhaddon sent Ubaru to investigate the condition of Babylon, and Ubaru reported a general desire on the part of the new settlers of the region for the rebuilding of the city and the return of the captives. We can understand, then the reference in the above letter to "the dead whom the king has brought to life." The events, and the names of the various parties contribute to the fixing of the date. We have here again the sacrilege recorded in the Babylonian Chronicle as occurring in the first year of Aššurbanipal and Samaššumukin. We are told by these documents that Babylon protects the strangers of all lands, in the name of the gods. This right of sanctuary extends to certain surrounding fields. How large the sacred tract was we do not know; but we may recognize a reasonable basis for the marvelous stories told by Greek historians concerning the size of Babylon and Nineveh. It is quite possible that they confused in each case the size of the sacred land with that of the walled city (see the size of the *haram* of Mekka, above). Aryans, Semites, and Mongols meet on equal terms under the protection of the god: so that Babylon is a truly cosmopolitan

city—"twenty lands in one." The freedom (*duraru*) of such refugees is a result of consecration or purification (*zakutu*) to the god. This *duraru* is of old emphasized as a sacred thing: in the Code of Hammurabi we find this word written with the determinative for god (*ilu*)* before it. The letter of Zakir shows that the king must if possible redeem captives or refugees carried off from Babylon, and consecrate them to the god. Provision for such redemption is extremely old: we find it in the Code of Hammurabi. The Code also contains legislation, §171, in reference to the freedom of women married in Babylon; which may be reflected in the emphasis placed in the first complaint above, upon the rights of all women married in Babylon, whether foreign born or native. No violence may be done in the sacred tract: the very dogs are protected. An injury to a single individual is an affront to the god, a sacrilege affecting the whole house or sacred land of Babylon. The case which provokes the complaints is that of a Sealander who had settled in Babylon. The principle is said to be very ancient. These data may give us reason to question Johns' construction of the Code of Hammurabi. He is inclined to doubt if foreigner and native received equal rights under Babylonian law. We observe also that Assurbanipal is pledged to maintain the right of asylum at Babylon, and that such right of asylum, possessed by a city, was sometimes abolished by royal authority.

The Babylonian word which I translate "right of asylum" is *kidinutu*. Delitzsch rightly recognizes it as "protection," but seems to think of royal protection extended to a city. Winckler and Lehmann conjecture *Unterthanenschaft* (Lehmann, *Samašsumukin* II, page 60). R. F. Harper, translating the Sargon Cylinder in *Assyrian and Babylonian Literature*, reads "supremacy." Our documents exclude these. Babylonians would not beg to be kept subject to Assyria, and Assurbanipal would not boast that he made the Babylonians masters. Our connections show *kidinutu* here to be the protection given by a city to a stranger in the name of its god. The

*Also in Sargon XIV⁴; Khorsabad 8, and 137; *Annals* 363: cf. Brünnow 5468.

seizure and murder of Etêru the Sealander and his sons is a gross violation of sacred rights. Asurbanipal himself acknowledges the Babylonian claim as to his pledge. In Cylinder L² 10-11 and Stele S³ 47-49, he says *ilâni Bâbili ukîn kidinut Bâbili aksur*—"I established the gods of Babylon: I confirmed Babylon's right of sanctuary," adding, "that the strong might not oppress the weak." L¹ 10 and S² 29 repeat the statement. In the letter K. 84, H, 301, the king writes, "Your brotherhood (equality) with the Assyrians, and your right of sanctuary which I confirmed." He connects confirmation of *kidinutu* with the re-establishment of the gods. Later he acknowledges, in the Rassam cylinder, that the sacred land was defiled by the blood shed in his capture of Babylon. He purified the streets and pacified the enraged divinities with penitential psalms and ceremonial elegies, and with restoration of sacrifices upon the scale of olden days. That the right of sanctuary which he confirmed was not originated by him, we know from other inscriptions. Esarhaddon calls Babylon an *ali kidini* in 1 R 49, Col. IV, 18; in line 34 he says, "its *kidinutu* anew I confirmed."

We hear of other cities that possess this right of sanctuary. Sargon in his Cylinder, Bull, and Bronze inscriptions tells us that the *kidinutu* of the city of Aššur had ceased, and that he restored and confirmed it; also the *zakutu* of Harran. In the Khorsabad inscription we find a claim of the restoration of the *kidinutu* of Aššur and Harran, which had ceased. In Khorsabad 7, Sargon XIV, 3, Sargon stele I¹, we have reference to *sabê kidini*, people or troops under the protection of a god. These "*protégés* of the great gods" are found also in the Balawat inscription, VI⁴. The "protection of Belit" is mentioned in K. 11, 35. It is interesting to notice that the names Etêru, Kuddinnu, and Sillâ in the Babylonian complaints above translated are all derivations of roots meaning "to preserve or to protect." In a ten-column building-inscription written in the first year of his reign and published by Meissner-Rost, BAS. III, 252, Esarhaddon curses the man who shall disregard the *Kidinutu* of Babylon confirmed by the lord of lords, Marduk. In col. VII he says, *sabê kidin subarê ilu Anim u ilu Bel ilu durarsunu essis askun*—"As for the protégés of Anu and Bêl (at Babylon)

I established their sacred freedom anew." Merodach-baladan II in col. III, 10 ff. tells us he provided lands in the cities of Nebo and Marduk for the *sabê kidinu* of Sippara, Nippur, and Babylon. Their ancient lands had been confiscated: he determined their boundaries and returned them to the *sabê kidinnu* of Babylon and Borsippa, *musallim parsi*—"confirming the decrees."

Another word of interest, linked with *kidinutu* in this connection is *zaku*. In the Babylonian complaints above translated, the man who has been "purified" to Bel and Zarpanit is entitled to the protection of the god. Delitzsch recognizes that *zaku* means, as in Hebrew, "to be clean or pure," but the intensive form, which is the one in use in the connection under discussion, he translates "to set free." This somewhat obscures the leading idea. It is true that every sacred personage or implement, everything which is dedicated to a god or which has touched sacred soil, acquires among Semites as among other primitive peoples, certain exemptions, or has its secular uses restricted. In the *Letters of Hammurabi*, published by L. W. King, we learn that such privileges were recognized fifteen hundred years before the Sargonid period. Temple servants, patesis, and royal herdsmen claim and obtain exemption from the *corvée* and from military service.* Yet it is a mistake to think of these as "chartered" or "free" in our sense. They suggest rather the "benefit of clergy" familiar in mediæval Europe. The repeated *uzakki*, usually read, "I set free," in royal inscriptions seems fairly to be "I dedicated, hallowed, devoted, or consecrated" to the god in question; for a god is always connected with it. Exemption from certain secular claims followed as a matter of course. Jesus alluded to a survival of it in his criticism of the Pharisees (Mark vii. 11). Its frequent occurrence in connection with setting aside

* Compare Ezra vii. 24. In D. T. I, iv. R. 48, Assurbanipal mentions freedom from *sisitu* confirmed to Babylon, Borsippa and Nippur. Another phase of religious exemption comes from the inscriptions of Gudea: "After I finished his chosen temple, the temple Eminnu, I remitted penalties, I made gifts. During seven days obedience was not exacted. The mistress became the equal of her maid servant, the master the equal of his slave; in my city the chief became the equal of his subject." Compare the Hebrew prophet's view of feasts as periods of license, and J. G. Fraser's discussion of the Sacaeau in *The Golden Bough*.

land for some god has misled Peiser. In consequence he conjectures that legalization of title is meant, and that following periods of disorder certain kings applied themselves to adjusting contested titles. We have such royal deeds, but they do not contain the term in question, unless the land is secured to some god or temple. The tenants are not exempt from tribute or rentals; they merely change landlords becoming tributary* to the god, and acquire thereby certain privileges. Besides the connection established between *zakutu* and *kidinutu* in the Babylonian complaints cited, we have Sargon's use of the terms. He speaks of the interrupted *kidinutu* of Harran and Aššur, as above cited, and in some passages he connects therewith *zakutu*, as in his Cylinder and Bull Inscriptions. In the Khor-sabad inscription the *zakutu* of these cities in line 10 is linked with their *kidinutu* in line 11.

Now an examination of the inscriptions brings out two or three very significant facts. The linking of the two words is almost peculiar to the Sargonids. We are continually reminded by this last Assyrian† dynasty that they restored these rights, which had ceased to be recognized. Just as emphatically we are told of three great sacred cities so recognized: Babylon, Aššur, and Harran. We know of the effort to establish a *modus vivendi* on the part of Esarhaddon, and his division of authority, so that Aššurbanipal reigned at Nineveh, Samašsumukin as "King of Kar-Dunias" (L³, 11), the ancient "garden of God"; and two other sons were assigned respectively as "Great Protectors" of the priestly fraternities of Aššur(?) and Harran. We have above proof of the readiness of these cities of refuge to protest against any infringement of their prerogatives. We have the evidence of many lands showing the readiness with

* The ideogram for *zakû* is also ideogram for tithe or tenth. Land in various Semitic countries to-day still pays a tenth to the king. See BAS III, p. 582.

† Excepting Sennacherib. He claims no old priestly titles, as Sargon did: he does not boast of maintaining the *kidinutu* of ancient sacred cities, as do the other Sargonids. His successors must do anew what Sargon did. Sennacherib seems as radical a reformer as Hezekiah, Josiah, Henry VIII, or Juarez. The other Sargonids we must account religious reactionaries, or more conservative reformers.

which abuses of the right of asylum may develop, and the testimony of Tacitus that Rome was compelled to serious measures in the case of such Oriental cities. We are then able to realize that these sacred cities formed one of the largest practical problems that confronted any Assyrian king. Sargon narrates in K. 4467 his reconsecration to Aššur of a tract of land originally set aside by Adad-nirari, more than sixty years before. The conclusion is inevitable that some one of the intervening kings had confiscated it. The case is one of many now familiar in cuneiform literature, which enable us to perceive that Assyria had its alternation of religious progressives* and reactionaries, just as Israel had. But the data at present available show us the conflict in Mesopotamia in the array of city against king or city against city. In Israel it is painted as a conflict of god with god and we hear of no warring cities, save the two capitals. But one portrayal is probably the complement of the other. To rightly estimate the religious struggles in Israel, we may find it necessary to consider them also as the struggles of the monarchy with the pretensions of Levitical cities whose right of asylum made them what the prophets declare them to be, centers of arrogance, uncleanness, and oppression; the "sojourners of Yahveh" considered themselves delivered to do all manner of iniquity. The destruction of the high places, the centralization of worship, would not have been possible without the abolition of the political privileges and sacred prerogatives of asylum cities. The religious indifference of some Hebrew kings is explicable, upon the supposition that the monarch is concerned with such cities only so far as they may obstruct his authority, while the prophet views their moral and social influence. Assyria must have had similar champions of a better order. The existence of many such privileged centers could

* Tiglath-pileser III mentions his seizing the very cities which Sargon later "freed," and his imposing a tribute of one tenth upon them. But for the sake of his old and faithful palace-herald he decreed the *zakutu* of the old city of Kulbari, renamed it, and "made straight its road." So he records in a stele in the Constantinople Museum: Scheil, *Rec. Trav.* XVI, 1894. Sargon consecrates the city of Asur; his grandson Esarhaddon again frees it from forced labor. Sennacherib must then have seized it as a royal possession. So also Nebuchadnezzar I reconsecrates Bit-Karziabku, made *zaku* by the decree of a former king.

not, in the nature of the case, have been universally acceptable. There is evidence that the Esarhaddon scheme was distasteful to many, yet certain favored* oracles and religious centers rallied to its support. But the final Sargonid regime may have been reformatory, not reactionary. Confirming the right of asylum of three important ancient centers may but emphasize the abolition of such prerogatives for all others. Sargon, it is true, in various inscriptions says of Ur, Uruk, Eridu, Larsa, Zarilab, Kisik, Nimid-Laguda, and Dur-ilu, "their *ilu duraru* and their plundered gods I restored to their cities." But his successors do not seem to have perpetuated this policy towards them.

Another Sargonid word linked with *kidinutu* is *šubarû*. Esarhaddon, already quoted, speaks of the *sabê kidin* of the *šubare* of Anu and Bel. Sargon fixes the *šubarû* of various sacred towns. This is perhaps a technical term for the *haram* or cultivable land attached to each sanctuary city.

That the existence of such jealous independent centers was incompatible with any unified system of law or secular authority is apparent upon the surface.† Babylonian and Assyrian history must be considered as illustrating the same steps in social evolution that we find elsewhere. The asylum city advances through corruption and abuse to the point of judicial regulation. The right of asylum does not appear in the ancient Code of Hammurabi; but his letters show that exemptions from civil and military service for certain classes were recognized. Whether formally disallowed or not in the criminal code, as in early Rome, we cannot yet decide. Probably abuses were not yet felt. Treason may have claimed sanctuary privileges, else the asylum city could not so seriously hamper royal authority. But under the Sargonid reconstruction treason was

*In the Sinjirli inscription Esarhaddon says that he smote the yoke of forced labor from the city of Asur at the command of the gods.

† Special privileges to sacred cities but meant heavier burdens upon others. For illustration, Tab-sil-esarra, a *saknu* of Asur, writes to Sargon in K. 5466 that the new *zakûtu* of Asur had made it impossible to raise the usual levies for the public works. Who was to do this extra labor? The curses in III R. 41 upon any one who ignores this deed to the land and presents it to any god, king, or patesi, also suggest much.

probably not accorded asylum privileges, for the Babylonians in their protest are careful to state that Etêru and his sons were loyal subjects to Assyria to the day of their death. The distribution of the three asylum cities between the two great rivers is suggestive. Palestinian geography necessitated three on each side of the principal stream. Were Jewish reformers influenced by Sargonid schemes?

That the Israelite city of refuge as described in Numbers xxxv is a late institution is now generally recognized by critical students. The judicial origin attributed to the scheme can only mean judicial regulation; for in Exodus xxi. 13, 14, the law admits that the altar of Yahveh is the place of asylum, while after the Deuteronomic reform the altar of Yahveh does not exist save at Jerusalem. All the anthropological data introduced would suggest their development from earlier Levitical cities, through stages of abuse and judicial restriction. The historical cases of taking sanctuary do not concern these six cities, but merely the altar of Yahveh, wherever that was. Jewish scholars (e. g. Maimonides) have claimed that all Levitical cities once possessed the right of asylum in some degree. We know that of the so-called Levitical cities some were important religious centers before the period of Hebrew domination. Of the six "cities of refuge," at least Hebron and Shechem were noted Canaanite sanctuaries. Another mark of readjustment is that the *haram* extends but two thousand cubits from the wall of each city, quite at variance with the large and irregular domain of the primitive *ba'al* or modern *wêlî*. The restriction of the right to unintentional manslaughter may not go beyond the Babylonian practice: the Code of Hammurabi deals with such matters without discussing the asylum.

Another feature gives room for conjecture. The refugee must remain in the asylum till the death of "the high priest." We have seen that Babylon, Harran, and Aššur had their sacred heads, a local *urigallu* or "great protector" or "elder brother" being at the head of the priestly fraternities of the two latter cities. (Compare the "sister of a god" of the Code of Hammurabi.) Is the Hebrew regulation now misunderstood? Does it point to a time when each

Levitical city had its local sacred head, like the Mesopotamian *urigallu*? We do not at present know of any time limit to the protection afforded in Mesopotamia. But there may be significance in the internal disturbances connected with the accession of each Assyrian king. Esarhaddon's scheme avoided these—save for a minor disturbance at the ancient sanctuary of Nippur. Were his hostile brothers opponents of a religio-political reactionary policy?

The anthropological data showing the assembly of foreign refugees at great sanctuaries, added to the rights of the Semitic *gêr* and the practice of dedicating captives to a god, as did Mesha of Moab, cause us to wonder if the transportation policy of Assyrian kings tended to strengthen or multiply asylum cities, whose individual interests were more or less mutually opposed. A transported god, we know, was considered to be angry with his land: his protection was for the time withdrawn from his worshipers. Aššurnasirpal tells of his peopling Calah with captives, and in a great monolith inscription warns future kings not to seize Calah as a treasure house or house of captivity. The captives he has placed there one shall not confine: the royal abode must remain there; the redemption (*naptartu*) of the city shall not be violated, nor shall any camp in its midst. Heavy curses are launched against him who violates the pledges of this memorial stone. But Sargon seized it anew, and placed the captives of Bit-yokin there.

When we add to the suggestions made concerning the evolution of the Hebrew city of refuge the general fact growing ever clearer that Israelite institutions were in no small degree a remodelling of older Canaanite ones; the fact that while sacred cities in general are carefully guarded they are the prizes of great struggles, like that of the Koraysh for Mekka, of various peoples for Babylon and Jerusalem: when we add to these the fact that the ministers in control of Semitic sanctuaries are sometimes of a different tribe or clan from its patrons, we have room for some speculations upon Hebrew origins. Were the earlier Levites Hebrews who attached themselves to local Canaanite sanctuaries and learned the ritual and manner of the god of the land? Did they gradually displace the older race till the latter became an inferior order, as in post-exilic times?

Were these post-exilic Levites in their turn "strangers who were Levited unto Yahveh" as Is. lvi. 3 may be read? Would exilic proselyting and training account for the enormous disparity in the numbers of priests and minor attendants in Ezra ii, and the remark that some were unable to show that they were Israelites? Was Yahveh known and worshiped in some Canaanite districts before the settlement of the Hebrews, as he seems to have been known in the north-land in Assyrian times? Such fact, if it were established, would not conflict with Budde's theory that he was also known to the Kenites.

Take the interesting case of the Gibeonite sanctuary. This place originally must have been under the protection of Jerusalem. It chooses to ally itself with the invading Hebrews, stipulating that its sacred character be respected, and is attacked in consequence. The story in Josh. ix. 23 that the Gibeonites were immediately made very inferior temple attendants must point to their final relation to the temple at Jerusalem: for the events immediately subsequent to the invasion show that they were not scattered in Israel, nor attendants upon the tabernacle, nor connected with Shiloh, the earlier meeting-place of the tribes. They remain at Gibeon, and are locally influential. We learn that Saul attempted to exterminate them and failed. When David is warring with Ishbosheth, the forces of the rival kings meet, under Joab and Abner, at Gibeon. Is possession of that sanctuary an issue in the contest? As soon as David is master of Jerusalem, he brings up the ark, and places it, not in Jerusalem, but in a tabernacle at Gibeon, on the great high place. Is that the sanctuary where Joab and Adonijah took refuge? Some years after the placing of the ark there we find the Gibeonites able to demand and secure satisfaction for Saul's attack upon them. Yahveh is understood to be there—the Gibeonites have Saul's sons hanged before him. Later we find Absalom tries to gain the support and prestige of the old sanctuary of Hebron; Adonijah, of Zoheleth; but the successful claimant has control of Gibeon; his opening religious ceremonies are at that shrine. Is there trace here of feuds between sacred cities? Such data suggest interesting possibilities. Yahveh may have been a Gibeonite divinity. But only archæological evidence can be decisive in the matter.

Babylon's prominence as a sacred city may be parallel to that of Jerusalem. We know a long struggle between the sacred cities of the Euphrates and Tigris was terminated by an Elamite irruption which prostrated or destroyed older competitors for the hegemony. Babylon, not before in the front rank, took the leadership under the Hammurabi dynasty. Had she suffered little from the Elamites, and so acquired great religious prestige, as Jerusalem did when it escaped Sennacherib?

Whatever conclusion be reached in purely speculative matters, we may feel confident that the Semitic asylum cities are not to be distinguished in their origin and process of development from those of other races. They are characterized, however, by a far earlier development, perhaps by a more logical one; and they remain a feature and problem for a longer period, because a chief constituent of early Semitic settled life; while in other lands the sanctuary did not always reach the city stage, or, if it did, remained in most cases a secondary social feature.

In the Semitic world there is early manifest the effort to withdraw protection from criminals, and to insist upon moral qualifications for the *protégés* of a god. Glimpses of such ideas meet us in the West, as in Oedipus warned from the sacred grove of Colonus; but, broadly speaking, the West modified the institution by limiting the tract or abolishing the asylum and improving the judicial system. The Semite strove to preserve the asylum and establish some qualifications of character as prerequisite to the enjoyment of the right, while judicial procedure improved little. He who would comprehend the East must have the sacred land and the right of asylum and the qualifications of the *protégé* of a god before him at every turn of history. In Europe, the free cities as they developed had to contend with the barons, the king, and the sacred classes: in the East, the free cities were composed of the sacred classes. A certain feeling of the identity of Church and State was inevitable: the Church is the logical survival of the Semitic theory of qualifications of the inhabitant of the holy city.

Within the Semitic circle, however, historic investigation brings the early Hebrew ever closer to his kinsmen. The movements in the

valley of the Great River are repeated in no small measure in Palestine. The two ancient lands appear more and more clearly to be unconscious collaborators in the task of preparing the way for the religion of the Nazarene. A proper historical apprehension of either of the three requires our knowledge of the other two. Whatever we may understand by "the peculiar people," we cannot consider them as apart from the world, unformed and uninfluenced by the currents of ancient civilization: and when they acted as transmitters of all that was best in the many currents that flowed through them they best served the interests of the modern world.

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